with comfortable enjoyment, although the English attitude is not without support in this country, *Hennessy* v. *Carmony* (1892) 50 N. J. Eq. 616, the great majority of American courts, weighing the balance of hardship and considerations of public interest, have deemed compensation in damages more equitable in view of the rights of all the parties than injunctive relief. *Gilbert* v. *Showerman* (1871) 23 Mich. 448; *Daniels* v. *Keokuk Water Works* (1883) 61 Iowa 549; *Riedeman* v. *Mt. Morris Elec. Light Co.* (N. Y. 1901) 56 App. Div. 23. The chief criticism of the American doctrine is that it tends to foster a system of judicial eminent domain. But the English rule seems to differ from it only in that the taking is without compensation. If this meets better the needs of an old and closely settled population, the exigencies of developing a new country demand that the individuals do not stand on absolute rights, and experience has not shown it to be unsafe to leave their adjustment to the courts.

ALIENATION OF ENTIRE PROPERTY BY A QUASI-PUBLIC CORPORATION.—Although the general power of a corporation to dispose of property, as a necessary incident of its right to take and hold, is well recognized in the law, *Barry* v. *Merchants' Exchange Co.* (N. Y. 1844) 1 Sandf. Ch. 280, where the question is one as to the alienation of its property entire, some confusion has been introduced by extraneous considerations, as the right of the corporation to abandon, *People* v. *Ballard* (1892) 134 N. Y. 269, or to dispose of its corporate franchise. *York etc. R. R. Co.* v. *Winans* (U. S. 1854) 17 How. 30. But where no such questions are involved the courts have not hesitated to uphold the right of alienation as co-extensive with the right to own. *Miners' Ditch Co.* v. *Zellerbach* (1869) 37 Cal. 543, 588; *State* v. *Western Irr. Canal Co.* (1888) 40 Kan. 96. Accordingly, it is well settled that a private corporation may sell its whole property in the absence of express limitations under its charter. *Holmes etc. Mfg. Co.* v. *Metal Co.* (1891) 127 N. Y. 252. In the case of quasi-public corporations a narrower doctrine has prevailed. The tendency of the courts to apply a strict interpretation to the charters of carriers, *Thomas* v. *Railroad Co.* (1879) 101 U. S. 71, 82, and others to whom special prerogatives are given, *Black* v. *Del. & H. Canal Co.* (1871) 22 N. J. Eq. 130, 399, extended to include public service corporations generally, *Central Transportation Co.* v. *Pullman Car Co.* (1890) 139 U. S. 24, has established the rule that the powers of such corporation will be restricted to prevent any alienation of property to such an extent as to incapacitate them from carrying out the purposes for which they were formed.

A recent decision in which this doctrine has been applied in connection with municipal ownership raises a question as to the principles upon which the rule is founded and the extent to which it should be carried. *Quinby* v. *Consumers' Gas Trust Co.* (1905) 140 Fed. 362. It was there held that the contract of a company, incorporated for the purpose of supplying gas to the city of Indian-

apolis, whereby the city in return for a franchise obtained an option to purchase the entire plant, was ultra vires and void. The decision is based upon the theory that the corporation in consideration of the grant of special privileges is bound in contract to the State faithfully to perform its duties of public service, and that this obligation involves an absolute duty not to alienate the property necessary for performance. But the class of corporations to which the rule against entire alienation applies is broader than that to which special privileges are given and is practically co-extensive with public service callings, *Central Transp. Co.* v. *Pullman Car Co.*, supra, the special duties of which arise not from the fact of incorporation but from the inherent nature of the business undertaken. 5 COLUMBIA LAW REVIEW 260. The theory of a personal contract not to alienate is, therefore, inaccurate, and, when carried out under a false analogy to the rule against alienation of the corporate franchise, *Thomas* v. *Railroad Co.*, supra, which proceeds upon grounds fundamentally different, *Miners' Ditch Co.* v. *Zellerbach*, supra, p. 589, is conducive to an unnecessary rigidity of interpretation. *New Albany Waterworks* v. *Banking Co.* (1903) 122 Fed. 776.

Sounder results are reached by a less arbitrary construction of the intention of the legislature in granting corporate powers. Under the well grounded rule that the charters of quasi-public corporations will be construed strictly against the grantee and in favor of the public, *Charles River Bridge* v. *Warren Bridge* (1837) 11 Pet. 420, it would be clearly improper to imply in them a general power to dispose of their entire property, since the public would thus be deprived of services to which they are entitled. *Richards* v. *Railroad Co.* (1862) 44 N. H. 127. But it by no means follows that it should be denied in the case of alienation to a municipal corporation. In view of the fact that the right of alienation is one that arises by natural implication from the right to own property, it should not be denied to quasi-public corporations where the reasons underlying the restriction of their powers do not apply. It would seem, therefore, not improper to imply a power to alienate to the very public whom the corporation is bound to serve, represented, despite the fiction of its corporate entity, by the municipality. *Visalia etc. Co.* v. *Sims* (1894) 104 Cal. 326, 330. Cf. *Knoxville Water Co.* v. *Knoxville* (1906) 26 Sup. Ct. 224.

ANNULMENT OF NATURALIZATION PROCEEDINGS.—The exclusive right of the federal government to regulate naturalization, U. S. Const. Art. I, Sec. 8, though not at first appreciated, *Collet* v. *Collet* (1792) 2 Dall. 294, is now universally conceded. *Chirac* v. *Chirac* (1817) 2 Wheat. 259; *Lynch* v. *Clarke* (N. Y. 1844) 1 Sandf. Ch. 583, 643. Under Congressional legislation, U. S. Rev. St. § 2165, modified 19 St. at L. p. 2, unless the State has partially, *Rushworth* v. *Judges* (1895) 58 N. J. L. 97, or wholly forbidden its tribunals to act, *Stephen, petitioner* (Mass. 1855) 4 Gray 559; *Gilroy, petitioner* (1895) 88 Me. 199, the State courts may administer the oath of allegiance, *Levin*